

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OSMAN MINKARA and CAPITAL
INVESTMENT GROUP, LLC,

Plaintiffs,

Civil No. 06-CV-13099

PAUL D. BORMAN

-vs-

UNITED STATES DISTRICT JUDGE

AMERICAN INTERNATIONAL
SPECIALITY LINES INSURANCE CO.

Defendant,

**ORDER DISMISSING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE**

Before the Court is Defendant's September 25, 2006 Motion for Summary Judgment. (Docket No. 3). This is not filed as a motion to dismiss. Plaintiffs filed their Response on October 26, 2006. (Docket No. 6). Plaintiffs contend in their Response that they request discovery in this matter. (Pl. Resp. p. 6-7). Pursuant to Sixth Circuit precedent, this Court cannot entertain a summary judgment motion until the time for discovery is completed. *See Tarleton v. Meharry Med. Coll.*, 717 F.2d 1523, 1535 (6th Cir. 1983). Therefore, the Court **DISMISSES WITHOUT PREJUDICE** Defendant's Motion for Summary Judgment. The Court will set a Rule 26 Conference.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: December 11, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 11, 2006.

s/Denise Goodine

Case Manager